

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

National Association for the
Advancement of Colored People,
et al

Plaintiffs

vs.

Case No. 3:23-cv-272-HTW-LGI

Tate Reeves, in his official capacity
as Governor of the State of Mississippi,
et al

Defendants

**Response in Opposition to Plaintiffs' Renewed Motion
for Injunction Pending Appeal (Doc. 137, 138)**

The Chief Justice Michael K. Randolph (herein, "Chief Justice"), through counsel, files this Response in Opposition to the Plaintiffs' Renewed Motion for Injunction Pending Appeal (Doc. 137) and the accompanying Memorandum in Support of the Motion (Doc. 138).

For the sake of brevity and judicial economy, the Chief Justice hereby adopts and incorporates the factual and legal arguments set forth in his previously submitted Response in Opposition to Plaintiffs' Motion for TRO or Injunction Pending Appeal (Doc. 131), as if fully set forth herein. The basis for denial of the Plaintiffs' injunction pending appeal has not changed since the Court denied the Plaintiffs' last request for an injunction pending appeal on December 28, 2023.

Plaintiffs continue to seek an injunction against the Chief Justice, a dismissed party which this Court has already ruled is immune from injunctive relief. Plaintiffs bring their motion as a prerequisite, pursuant to Fed. R. App. P.

8(a)(1), prior to seeking the same relief before the Court of Appeals. (Doc. 137 at 2). Plaintiffs make no showing, nor can they, to justify issuance of an injunction in this Court against an immune party. There is no likelihood of success relating to the Chief Justice, nor is there even a substantial case as concerns the Chief Justice.

For these reasons, the Plaintiffs' Renewed Motion for Injunction Pending Appeal should be denied.

Respectfully submitted,

Michael K. Randolph, in his
official capacity as Chief Justice
of the Mississippi Supreme Court

By: /s/ Ned A. Nelson
Ned A. Nelson, MB #105712

Of Counsel:

Mark A. Nelson, MB #3808
Ned A. Nelson, MB #105712
Nelson Law PLLC
7 Woodstone Plaza, Ste. 7
Hattiesburg, MS 39402
Telephone: 601.602.6031
Facsimile: 601.602.3251
mark@nelsonfirm.law
ned@nelsonfirm.law

Certificate of Service

I, Ned A. Nelson, hereby certify that on this the 2nd day of January, 2024, I electronically filed the foregoing with Clerk of the Court using the ECF system which will provide notice to all counsel of record.

/s/ Ned A. Nelson
Ned A. Nelson